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Docket No. ASP-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter Zhu et al.

Serial No. : 09/746,344

Art Unit: 1724

Filed : December 22, 2000

Examiner: C. Barry

For : DEVICE AND METHOD OF USE FOR ALDEHYDE REMOVAL

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(Date)

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April 30, 2004

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Dear Sir:

This correspondence is in reference to the Notice of Allowability  
mailed February 3, 2004.

Applicant takes exception to the Examiner's comment which appears  
on page 4, lines 5-6:

"Accordingly, the device must prevent passage of any aldehydes from the container, and not simply remove a portion of the influent aldehydes." (Emphasis added)

The Examiner's reasoning goes too far in adding a limitation and takes Appellant's arguments out of context, namely:

"In contrast, Appellant's invention binds the aldehydes present in (the) waste thus preventing passage of the aldehydes in the effluent" (Appellants Brief, page 7, lines 8-9).

The foregoing statement was made in the context of distinguishing the "reaction as described in Portier which "breaks down" toxic organic compounds to non-toxic components" (Appellant's Brief, page 7, lines 9-10).

While the invention's mechanism of treating aldehydes is one of removal of aldehydes by binding rather than "break down" of a compound, the Examiner's statement is inappropriate and requested to be withdrawn. It is too bald an interpretation to require that all aldehydes are preventing from passing - only the bound aldehydes are prevented from passing into the effluent.

Also the Applicant takes exception to the Examiner' statement that:

..."the solid primary amine must be prevented from moving within the container for that the skilled artisan would have understood "immobilized" to mean in this art. Accordingly, a packed bed of supported or unsupported solid primary amine is covered, for example, but not a fluidized bed of unsupported solid primary amine particles." (emphasis added)

If the Examiner's foregoing statement is intended to state that the supported or unsupported solid primary amine of Applicant's invention can not move within the container, Applicant submits that this is too narrow an interpretation. In the context of Appellant's arguments presented in section 8.5 on pages 8 to 9 of Appellants' Brief, the term "immobilized" was used in the context that the solid primary amine would not leave the container. Please note that Chen discloses treated aldehydes leaving the container, Applicant's invention is directed toward allowing aldehydes to bind to solid primary amine so that neither the bound aldehydes or solid primary amine leave the container. Therefore, the Examiner's remark is respectfully requested to be withdrawn.

Should the Examiner not agree with the foregoing, the Examiner is respectfully requested to provide an answer to Appellants' Brief mailed October 29, 2003 and submit the same to the Board of Patent Appeals and Interferences.

Respectfully submitted,

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